

ENVIRONMENTAL ANALYSIS AND DECISION ON THE NEED  
FOR AN ENVIRONMENTAL IMPACT STATEMENT (EIS)

Form 1600-1

Rev. 6-2001

Department of Natural Resources (DNR)

Region or Bureau  
Northern

Type List Designation  
NR150.03 (8) (d) 1.c

**NOTE TO REVIEWERS:** This document is a DNR environmental analysis that evaluates probable environmental effects and decides on the need for an EIS. The attached analysis includes a description of the proposal and the affected environment. The DNR has reviewed the attachments and, upon certification, accepts responsibility for their scope and content to fulfill requirements in s. NR 150.22, Wis. Adm. Code. Your comments should address completeness, accuracy or the EIS decision. For your comments to be considered, they must be received by the contact person before 4:30 p.m., March 23, 2007.

Contact Person:

Tom Piikkila

Title: Forester-Ranger

Address: PO Box 709, 620 W Layman Drive

Mellen, WI 54546

Telephone Number

715-274-6321

Applicant: Ashland County Forestry Department

Address: PO Box 155, 304 W Michigan Street, Butternut, WI 54514

Title of Proposal: Motola Acres Development Project

Location: County: Ashland City/Town/Village: Town of Peeksville

Township Range Section(s): T42N, R1W, Section 11

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**PROJECT SUMMARY**

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1. Brief overview of the proposal including the DNR action (include cost and funding source if public funds involved)

The Ashland County Forest (ACF) proposes to trade approximately 32 acres of County Forest land located in Part of WI/2 NE ¼ Section 11 T42N R1W to Frank Motola in exchange for approximately 38 acres owned by Mr. Motola in SE ¼ SE ¼ Section 3 T42N R1W. The proposed trade will necessitate the withdrawal of the 32 acres of County Forest land. The ACF intends to add the newly acquired 38 acres to the ACF.

2. Purpose and Need (Include history and background as appropriate)

Mr. Motola has a dwelling on a 160 acre parcel that is completely surrounded by the ACF. He also has a driveway which crosses the ACF to access the dwelling. A land use agreement exists between Ashland County and Mr. Motola for this private driveway access.

Mr. Frank Motola, D.B.A. East Fork Wild River Estates is currently in the process of subdividing his 160 acres into 28 separate lots. The lots will be available for sale to the general public. The intention is to develop what Mr. Motola refers to as "high end" homes on these lots once they are sold. However, Mr. Motola currently lacks adequate access to his property for development purposes since the only access is his private driveway across the ACF.

Ashland County is interested in providing Mr. Motola with adequate access to his property so that his development project may proceed. After considering several alternatives Ashland County decided that trading the 32 acre portion of ACF property between

Masterson Fire Lane (a town road) and Mr. Motola's eastern property boundary for the forty acres, except for the right of way (ROW) that Mr. Motola owns in SE ¼ SE ¼ Sect. 3, would provide the best alternative for the ACF as well as Mr. Motola.

This proposed land trade would accomplish four things. First, blocking within the ACF would be improved by eliminating approximately 1 mile of property boundary maintenance. Second, the trade would enable ACF to consolidate a large block of aspen timber which is now separated by Mr. Motola's private property. Third, the ACF would realize a net gain in County Forest acres. Fourth, the trade would provide Mr. Motola access to a housing development project on his 160 acres which is now completely surrounded by ACF.

Mr. Motola has already begun development of a road system on his own private property. See plat map attachment for details.

3. Authorities and Approvals (list local, state and federal permits or approvals required)

Wisconsin Statutes, Chap. 28.11 (3) (c) authorizes County Forests to "appropriate funds for the purchase, development, protection and maintenance of such forests and to exchange other county-owned lands for the purpose of consolidating and blocking county forest holdings. Chap. 28.11 (4) (b) authorizes the entry of newly acquired county-owned lands into the County Forest system if the department finds that such lands constitute a well blocked county forest unit or that the block in with other established county forest lands and are otherwise suitable for the purposes of this section. Furthermore, Chap. 400 of the Ashland County Forest 15 year Comprehensive Land Use Plan states the County forest blocking objective is "to provide for the most efficient administration of the Forest by consolidating and blocking lands within established County Forest Boundaries through the purchase or trade as provided in s. 28.11 (3) (c) Wis. Stats and to enter lands so acquired as County Forest pursuant to s. 28.11 (4) (b) Wis. Stats."

The legal means by which Counties may apply for withdrawal of lands from County Forest status is provided by Wisconsin Statutes, Chap. 28.11. In order to apply for a withdrawal of County Forest Land a two-thirds majority vote of the full County Board is required. On November 14, 2006 the Ashland County Board voted unanimously to amend their earlier withdrawal application for the purposes of the land trade described above.

Chapter 400 of the Ashland County Forest 15 year Comprehensive Land Use Plan further defines the withdrawal policy and procedure. The Ashland County Policy as stated in Section 420 is "Lands within the County Forest Boundary will not normally be considered for withdrawal from the County Forest Law. Applications for the purchase of these lands by the private sector will be discouraged by the Committee. If, in the opinion of the Committee and County Board, the land will be put to a higher and better use and will benefit the people of the County and State to a greater extent, the withdrawal procedure outlined in section 420.2 will be employed."

The Wisconsin Department of Natural Resources (WI DNR) Public Forest Lands Handbook also contains details on the application procedures for withdrawal.

The WI DNR Division of Forestry is required to review applications for withdrawal of County Forest land and render a decision approving or denying the application. Natural Resource Administrative Code Chapter 48 (NR48) provides details for Department investigation and findings regarding the withdrawal application. NR 48.04(1) (c) provides for "the holding of a public hearing or informational meeting when deemed necessary by the Department or requested in writing by a county making a withdrawal application." Also, NR 48.04 (1) (1) states that consideration must be made as to "whether upon withdrawal the land will be put to a better and higher use and whether the benefits of withdrawal to the people of the State as a whole and the County, will outweigh the benefits under continued entry."

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**PROPOSED PHYSICAL CHANGES (more fully describe the proposal)**

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4. Manipulation of Terrestrial Resources (include relevant quantities - sq. ft., cu. yard, etc.)

ACF proposes to trade approximately 32 acres of current County forest land in part of W1/2 NE1/4 Sect. 11 T42N R1W to Mr. Motola in exchange for approximately 38 acres that Mr. Motola currently owns in SESE Sect. 3 T42N R1W. The current county forest property has a forest cover type of northern hardwood pole timber. Mr. Motola's property has a mixture of aspen saplings and balsam fir. Mr. Motola plans to develop two town road ROW's on the property he would acquire from the ACF. The total area of the road ROW would be 1.85 acres. The 38 acres the ACF would acquire shall be added to the ACF and managed according to the ACF 15 year Comprehensive Land Use Plan.

5. Manipulation of Aquatic Resources (include relevant quantitles - cfs, acre feet, MGD, etc.)

There should be no need for manipulation of aquatic resources.

6. Buildings, Treatment Units, Roads and Other Structures (include size of facilities, road miles, etc.)

The total road length Mr. Motola proposes to build on the parcel received from ACF is 1230 feet long. ROW width would be 66 feet wide.

7. Emissions and Discharges (include relevant characteristics and quantities)

A storm water discharge retention basin is required for the construction of Motola's northern most access road. He has already received an NR 216 permit from the Wisconsin Dept. of Natural resources to construct this retention basin.

8. Other Changes

None

9. Identify the maps, plans and other descriptive material attached

|            |   |   |
|------------|---|---|
| Attachment | x | County map showing the general area of the project  |
| Attachment | x | USGS topographic map  |
| Attachment | x | Site development plan   |
| Attachment | x | Plat map  |
| Attachment | x | DNR county WISCLAND landcover map   |
| Attachment | x | Digital ortho photo   |
| Attachment | x | Other - Describe: 2005 Property tax record, soil survey map, local road soil ratings map, endangered resources review documentation, State Historical and Archeological structures documentation, County Forest Withdrawal application from Ashland County, Ashland County board Resolution amending original withdrawal application. |

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**AFFECTED ENVIRONMENT** (describe existing features that may be affected by proposal)

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10. Information Based On (check all that apply):

Literature/correspondence (specify major sources)

1. Ashland County Forest Withdrawal Application
2. 2005 Property Tax Record for Motola Property
3. Plat book page
4. Digital ortho photo
5. Topographic map
6. WISCLAND Landcover/wetland map
7. Soil survey map
8. Local Roads and Street Ratings map
9. Ashland County Sports Map
10. Plat map for Motola's Acres
11. Form ER Endangered Resources Review Document
12. Wisconsin Historical Society Historic and Archeological Structure Maps
13. Copy of Ashland County Board resolution amending original withdrawal application
14. List - Waters designated in 2006 as Exceptional or Outstanding Resource Waters

Personal Contacts (list in item 26)

Field Analysis By:  Author  Other (list in item 26)

Past Experience With Site By:  Other (list in item 26)

11. Physical Environment (topography, soils, water, air)

The Land Type Association for the area is 212Xa01 – Glidden Drumlins. The characteristic landform pattern is rolling drumlins and inter-drumlin outwash plains and swamps. Soils are predominantly well drained fine sandy loam over acid loamy sand till. Common habitat types include forested lowland, hydromesic TMC, AVIG and ATM.

Topography is level to gently rolling. Soil on the specific proposed withdrawal sites is Butternut silt loam, 1 to 6 % slopes, very stony. This soil has a very limited local road and street rating due to the depth to saturated zone and frost action. These soil properties negatively impact the traffic-supporting capacity of the soil. A very limited rating indicates that the soil has one or more features that are unfavorable for the specified use. The limitations generally cannot be overcome without major soil reclamation, special design or expensive installation procedures. Poor performance and high maintenance can be expected.

The East Fork of the Chippewa River runs adjacent to the proposed land withdrawal. See item 14 for a more detailed description.

Soils on the parcel to be traded for are the same as described above for the parcel to be withdrawn.

12. Biological Environment (dominant aquatic and terrestrial plant and animal species and habitats including threatened/endangered resources; wetland amounts, types and hydraulic value)

The proposed withdrawal site is completely located in an upland hardwood forest cover type. This cover type is very common on the Ashland County Forest and in the area. Current stand data in the Ashland County Forest Compartment Reconnaissance system and a recent field visit shows the stand to be composed of a high quality, even-aged, northern hardwood pole timber with some saw log sized trees present. Tree species represented in the stand include sugar maple, red maple, basswood, white ash, black ash and some scattered balsam fir and hemlock. The under story is very open due to a dense ground cover of Pennsylvania sedge. Habitat types are ATD and ATM. An individual tree selection harvest was completed here between 1999 and 2003.

The 38 acre parcel to be acquired is also located on an upland site but has an aspen forest cover type. This cover type is the second most common forest cover type found on the ACF. A recent site visit indicated that the property had been harvested about 10 years ago. The site is fully occupied with dense aspen regeneration, scattered balsam fir, white spruce and maple trees. The cover type on the adjacent ACF is also aspen regeneration.

There are no wetlands located on the proposed withdrawal or entry sites. The East Fork of the Chippewa River forms the north border of the parcel to be withdrawn. See item 14 for additional description.

A review of the Natural Heritage Inventory does not indicate the presence of any threatened, endangered or special concern species of plant or animals on the ACF property, the land to be acquired, or on Mr. Motola's development sites.

13. Cultural Environment

a. Land use (dominant features and uses including zoning if applicable)

The proposed withdrawal and entry sites are both located within a large block of Ashland County Forest land. There are some scattered privately owned parcels in the area which is typical for this County Forest. The predominant land use is County Forestry. Natural resources, such as those provided by the Ashland County Forest, are the base for addressing the ecological and socioeconomic needs of society. The mission of the County Forest is to manage, conserve and protect these resources on a sustainable basis for present and future generations. County Forest resources should be protected from natural catastrophes such as fire, insect and disease outbreaks and from human threats such as encroachment, over-utilization, environmental degradation and excessive development. While managed for environmental needs including watershed protection, protection of rare plant and animal communities and maintenance of plant and animal diversity these same resources must also be managed and provide for sociological needs, including provisions for recreational opportunities and the production of raw materials for wood using industries. Management must balance local needs with broader state, national and global concerns through integration of sound forestry, wildlife, fisheries, endangered resources, water quality, soil and recreational practices. Management will provide this variety of products and amenities for the future through the use of sustainable forest management practices.

There should be no zoning change in the Ashland County Forest property associated with the proposed withdrawal or entry.

b. Social/Economic (including ethnic and cultural groups)

There is no ethnic or cultural significance relative to the proposed withdrawal or entry sites. The current ACF land does currently provide periodic timber revenue to Ashland County and the Town of Peckville. Timber harvests provide employment for local loggers. The land to be traded for will also be used to provide periodic timber revenues.

c. Archaeological/Historical

No archeological or historical sites are known to exist on the proposed withdrawal or entry sites or on Motola's development site.

14. Other Special Resources (e.g., State Natural Areas, prime agricultural lands)

The East Fork of the Chippewa River and a portion of its watershed are adjacent/within the parcel proposed for development. This portion of the river has recently been designated as an Outstanding Resource Water (ORW). ORW's are designated as such by the State of Wisconsin because they exhibit high quality characteristics. Special restrictions may apply to lands bordering or within the watershed of such waters. These are established in effort to maintain the character of these waters.

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ENVIRONMENTAL CONSEQUENCES (probable adverse and beneficial impacts including indirect and secondary impacts)

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15. Physical (include visual if applicable)

The withdrawal would allow development of the 160 acre parcel to occur as shown on the plans. A housing development would be difficult to establish without the addition of access via roads. As shown on the plans development would change the characteristics of the parcel and could potentially contribute to negatively impact water quality.

16. Biological (including impacts to threatened/endangered resources)

Development on Motola's property will contribute to some amount of forest fragmentation. There would be a reduction in the amount of intact forest canopy associated with the clearing of road ROW's and building lots. Current zoning regulations should address any concerns involved with docks on the river.

A review of the Natural Heritage Inventory (NHI) did not indicate the presence of any threatened or endangered resources on the property to be withdrawn, the property to be traded for or on Motola's proposed development sites.

17. Cultural

a. Land Use (including indirect and secondary impacts)

Very little if any changes in land use would be associated with the proposed land trade.

Motola's entire development project would likely place greater demands on the use of the Ashland County Forest. Increased access to the forest along with the close proximity of dwellings and the inhabitants would more than likely increase the amount of hunting, ATV traffic, illegal deer stands and transport of exotic and invasive weed species. Placing a large number of dwellings in what was formerly a large block of forest land would likely change the entire character of the area. The development may provide an example of forest fragmentation.

b. Social/Economic (including ethnic and cultural groups, and zoning if applicable)

There should be very little if any economic impact to the Ashland County Forest. At a Township and County level the tax base would be increased as new houses are built on the development. It should also be noted that the Townships expenses for road maintenance, snowplowing, school bussing, etc. would more than likely increase. Increased traffic on adjoining town roads would also be expected to increase and may add to the Township's road maintenance costs.

There should be no change in the zoning classification in the County Forest Land.

There should not be any ethnic or cultural impacts.

c. Archaeological/Historical

A review of the State Historical Society records did not indicate the presence of any archeological or historic sites on the parcel to be withdrawn, the parcel to be traded for or on Motola's development sites.

18. Other Special Resources (e.g., State Natural Areas, prime agricultural lands)

In order to protect the East Fork of the Chippewa River special restrictions may apply to the lands bordering it as it is classified as an Outstanding Resource Water. With adequate protection on these lands any adverse impacts could be avoided or minimized.

19. Summary of Adverse Impacts That Cannot Be Avoided (more fully discussed in 15 through 18)

It should be noted that any environmental impacts should not be attributed to the proposed withdrawal/land trade. The following impacts will be a direct result of the development which takes place on the Motola property.

1. Forest fragmentation
2. Loss/degradation of wildlife habitat
3. Loss/degradation of scenic beauty
4. Increased recreational pressure on the County Forest resources
5. Increased potential for water quality impacts from construction and housing

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DNR EVALUATION OF PROJECT SIGNIFICANCE (complete each item)

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20. Environmental Effects and Their Significance

- a. Discuss which of the primary and secondary environmental effects listed in the environmental consequences section are long-term or short-term.
1. Forest Fragmentation – long term impact
  2. Loss/degradation of wildlife habitat – long term
  3. Loss/degradation of scenic beauty – long term
  4. Increased recreational pressure on County Forest Resources – long term

- b. Discuss which of the primary and secondary environmental effects listed in the environmental consequences section are effects on geographically scarce resources (e.g. historic or cultural resources, scenic and recreational resources, prime agricultural lands, threatened or endangered resources or ecologically sensitive areas).

Forest fragmentation has increased dramatically statewide within the last decade. Development projects like Mr. Motola's are relatively new to Ashland County and especially to the County Forest. Since very little development and forest fragmentation has occurred on the Ashland County Forest it does not appear that any "geographically scarce resources" would be affected. However, a serious precedent would be set potentially encouraging future development on other private holdings located within the County Forest.

- c. Discuss the extent to which the primary and secondary environmental effects listed in the environmental consequences section are reversible.

Any proposed development of homes is to a degree reversible over time. Changing a natural cover from forest to housing creates impacts to soils and vegetation and potentially to the river that could be considered permanent.

21. Significance of Cumulative Effects

Discuss the significance of reasonably anticipated cumulative effects on the environment (and energy usage, if applicable). Consider cumulative effects from repeated projects of the same type. Would the cumulative effects be more severe or substantially change the quality of the environment? Include other activities planned or proposed in the area that would compound effects on the environment.

Repeated housing development projects of this type could substantially increase the amount of forest fragmentation seen in the area. As houses are developed on the Motola property energy usage, electric, propane, etc. will increase accordingly. The cumulative affects would be would be the same for any home development in a rural setting.

22. Significance of Risk

- a. Explain the significance of any unknowns that create substantial uncertainty in predicting effects on the quality of the environment. What additional studies or analysis would eliminate or reduce these unknowns?

There are no anticipated "unknowns" that create substantial uncertainty. Construction of housing including individual septic systems, wells and housing of vehicles would involve more manipulation of the land and could include a variety of potential sources of pollution that would not exist if the land was not developed to this extent.

- b. Explain the environmental significance of reasonably anticipated operating problems such as malfunctions, spills, fires or other hazards (particularly those relating to health or safety). Consider reasonable detection and emergency response, and discuss the potential for these hazards.

No "reasonably anticipated operating problems" have been identified with the proposed withdrawal/land trade. The proposed housing development that is indicated on the plans would change the land from forest to a housing development. Housing would likely increase the potential for spills and fire from normal activities associated with development.

23. Significance of Precedent

Would a decision on this proposal influence future decisions or foreclose options that may additionally affect the quality of the environment? Describe any conflicts the proposal has with plans or policy of local, state or federal agencies. Explain the significance of each.

A favorable decision on this withdrawal application could set a precedent which encourages further development on private lands within the Ashland County Forest boundaries. This could increase the number of private access roads developed across County Forest Lands.

A favorable decision in this case could also set a statewide precedent that could affect all municipally owned properties in the state but each withdrawal application is reviewed on a case by case basis.

24. Significance of Controversy over Environmental Effects

Discuss the effects on the quality of the environment, including socio-economic effects, that are (or are likely to be) highly controversial, and summarize the controversy.

There are no anticipated effects, environmental or otherwise, that may be "highly controversial."

**ALTERNATIVES**

- 25. Briefly describe the impacts of no action and of alternatives that would decrease or eliminate adverse environmental effects. (Refer to any appropriate alternatives from the applicant or anyone else.)

No Action: Assuming that "no action" means the withdrawal application is denied. No land trade would take place. Mr. Motola would not have the opportunity to develop access roads to his development. If this withdrawal application is denied Ashland County has agreed to provide a Land Use Agreement to Mr. Motola to develop road access across the ACF to provide town road access to his development project.

No access road alternative: Property access could be developed by constructing a driveway and bridge across the Chippewa River. Permits for a bridge would be required and there are no assurances that a permit would be issued.

**SUMMARY OF ISSUE IDENTIFICATION ACTIVITIES**

- 26. List agencies, citizen groups and individuals contacted regarding the project (include DNR personnel and title) and summarize public contacts, completed or proposed).

| <u>Date</u> | <u>Contact</u>                        | <u>Comment Summary</u>                               |
|-------------|---------------------------------------|--|
| 9-14-06     | Ashland County Board                  | Approved resolution to amend withdrawal application. |
| 9-6-06      | Tom Piikkila – DNR Co. Forest Liaison | Field inspection proposed road access sites.         |

|                     |  |   |
|---------------------|--|---|
| 9-6-06              | Chris Hoffman – ACF Admin.   | Field inspection proposed road access sites.  |
| 8-21-2006           | Al Tatzel- DNR Lake Superior Area Staff Spec.  | Sent letter to Ashland County Clerk Patricia Somppi acknowledging receipt of County Forest Withdrawal application.  |
| 8-15-06             | Tom Piikkila – DNR Co. Forest Liaison  | Submitted County Forest Withdrawal application to Al Tatzel – DNR Lake Superior Area Staff Spec.  |
| 8-10-06             | Chris Hoffman – Ashland Co. Forest Admin.  | Submitted County Forest Withdrawal application to Tom Piikkila – DNR Co. Forest Liaison   |
| 7-18-06             | Ashland County Board   | Approved resolution to submit County Forest Withdrawal application  |
| 7-5-06              | Forestry Committee   | Approved motion to submit resolution for withdrawal to full County Board.   |
| May 06 thru June 06 | Chris Hoffman –ACF Admin<br>Tom Piikkila – DNR Co. For. Liaison<br>Jeff Barkley – DNR Co. For. Spec. | Numerous conversations and emails regarding Land use agreements VS Easements and need for withdrawal  |
| 2-9-06              | Tom Piikkila – DNR Co. For. Liaison  | Verbally notified Jeff Barkley regarding possible withdrawal situation  |
| 1-4-06              | Tom Piikkila – DNR Co. For. Liaison  | Verbally notified Al Tatzel – DNR Lake Superior Area Staff Spec. about possible withdrawal situation.   |
| 12-7-05             | Frank Motola – Developer   | Approaches Ashland County Forestry Committee with plans for development project at December Forestry Committee meeting.   |
| 12-7-05             | Tom Piikkila – DNR Co. For. Liaison  | Advised Ashland County Forestry Committee that proposed development may require withdrawals from the County Forest System. Informed them of withdrawal process. |

**DECISION (This decision is not final until certified by the appropriate authority)**

In accordance with s. 1.11, Stats., and Ch. NR 150, Adm. Code, the Department is authorized and required to determine whether it has complied with s. 1.11, Stats., and Ch. NR 150, Wis. Adm. Code.

Complete either A or B below:

A. EIS Process Not Required

The attached analysis of the expected impacts of this proposal is of sufficient scope and detail to conclude that this is not a major action which would significantly affect the quality of the human environment. In my opinion, therefore, an environmental impact statement is not required prior to final action by the Department.

B. Major Action Requiring the Full EIS Process

The proposal is of such magnitude and complexity with such considerable and important impacts on the quality of the human environment that it constitutes a major action significantly affecting the quality of the human environment.

|  |                        |
|--|------------------------|
| Signature of Evaluator<br><i>Thomas J. Pihlala</i> | Date Signed<br>1-30-07 |
|--|------------------------|

Number of responses to news release or other notice: 0

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|--|------------------------|
| Certified to be in compliance with WEPA                                    |                        |
| Environmental Analysis and Liaison Program Staff<br><i>William L. Gant</i> | Date Signed<br>3-29-07 |

**NOTICE OF APPEAL RIGHTS**

If you believe you have a right to challenge this decision made by the Department, you should know that Wisconsin statutes, administrative codes and case law establish time periods and requirements for reviewing Department decisions.

To seek judicial review of the Department's decision, ss. 227.52 and 227.53, Stats., establish criteria for filing a petition for judicial review. Such a petition shall be filed with the appropriate circuit court and shall be served on the Department. The petition shall name the Department of Natural Resources as the respondent.